

AMENDED IN ASSEMBLY JANUARY 16, 2008

AMENDED IN ASSEMBLY JANUARY 7, 2008

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 454**

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**Introduced by Assembly Members Berryhill and Evans**  
(Principal coauthor: Senator Wiggins)

February 20, 2007

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An act to add Sections 17251.6 and 24357.11 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 454, as amended, Berryhill. Income and corporation taxes: conservation easements.

The Personal Income Tax Law and the Corporation Tax Law, in specified conformity to federal income tax law, allow a deduction for a charitable contribution of a qualified conservation easement, as defined, but, among other things, provide for specified percentage limitations on the amount deductible and limit the carryover period for excess contributions.

This bill would provide further conformity to federal law, including an increase in the specified percentage limitations (50% and 100% in the case of farmers) and extending the allowance carryover period to the 15 succeeding taxable years until used, as provided.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17251.6 is added to the Revenue and  
2 Taxation Code, to read:

3 17251.6. Qualified conservation contributions as described in  
4 Section 170(h)(2)(C) of the Internal Revenue Code, made on or  
5 after January 1, 2008, shall be treated in accordance with Section  
6 170(b)(1)(E) of the Internal Revenue Code, as amended by Section  
7 1206 of the Pension Protection Act of 2006 (Public Law 109-280),  
8 relating to the encouragement of contribution of capital gain real  
9 property for conservative purposes, *except that Section*  
10 *170(b)(1)(E)(vi), relating to termination, shall not apply.*

11 SEC. 2. Section 24357.11 is added to the Revenue and Taxation  
12 Code, to read:

13 24357.11. Qualified conservation contribution, as described  
14 in clause (iii) of paragraph (2) of subdivision (a) of Section  
15 24357.7, made on or after January 1, 2008, shall be treated in  
16 accordance with Section 170(b)(2) of the Internal Revenue Code,  
17 as amended by Section 1206 of the Pension Protection Act of 2006  
18 (Public Law 109-280), relating to the encouragement of  
19 contribution of capital gain real property for conservation purposes,  
20 *except that Section 170(b)(2)(B)(iii), relating to termination, shall*  
21 *not apply.*

22 SEC. 3. This act provides for a tax levy within the meaning of  
23 Article IV of the Constitution and shall go into immediate effect.

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